

the gentleman from Texas (Mr. DELAY), when we have Rwanda, Burundi, Kosovo, Sierra Leone, Cambodia, East Timor, Saddam Hussein, all of these places that need international criminal courts that do not have them. We are the leaders in the world in terms of human rights. We ought to be the leaders when it comes to the International Criminal Court.

This amendment is a farce. I wish I could say as gently as the gentleman from California that the gentleman was well intentioned. This amendment is a lie, because this amendment makes you think that you are going to keep American servicemembers from being prosecuted when that is a lie. Right now if a servicemember under the American flag commits a war crime, they are tried by our own military court. If the DeLay amendment passes, they are going to be tried by the country in which they commit that crime. Who do we want trying our servicemember? Do we want some Saddam Hussein trying our servicemember if we do not sign this treaty? Do we want them to be the ones to try our servicemember? I do not.

I would be able to go to bat with the gentleman from Texas in front of anybody on this issue because the facts are that if we pass the DeLay amendment, we are actually going to end up doing what the gentleman from Texas purports he does not want us to do. That is, if we do not sign this treaty, our servicemembers are tried by other countries internationally because that is the law of the International Criminal Court.

Today's amendment, based on "the American Servicemembers Protection Act" sounds great—of course we all want to protect American servicemembers. As a former member of the Armed Services Committee, I have spent many days in markups and debates over bills to support our Armed Forces. But if we scratch below the surface, this amendment is not about protecting our military, it is about risking our current position of global leadership on human rights abroad. It will thwart the efforts of one of the most important international bodies that is about to come to fruition, the International Criminal Court.

Since coming to Congress I have been highly supportive of an I.C.C., and I strongly believe in its principal which is that human rights abusers, who commit crimes against humanity or genocide, should be brought to justice. But even if you do not support an I.C.C., or feel that the Rome Statute needs complete revision, as I respectfully understand the gentleman from Texas does, you should oppose this amendment. It is crucial that we recognize, as the leaders of the free world, that the only way to achieve a Court that we can live with, is to stay engaged in the continuing negotiations over the scope, purpose, and construction of the it. A permanent international criminal court which can bring future perpetrators of war crimes to full and complete justice is in our interests.

President Clinton recognized the importance of this effort and that is why he signed the Rome Statute in December; bringing us into the company of 139 other nations including 17

NATO allies who have signed the Rome Treaty.

When 139 nations have signed this treaty and many have indicated that they are close to ratification, why would we alienate ourselves from this many of our global partners. This amendment would simply assure that the members of the ICC will feel free to ignore our concerns.

I would also like to address the concerns about our Armed Forces or politically motivated prosecutions by the Court. There is no doubt that under the Rome Statute American soldiers who are accused of war crimes will never be impacted because we have a thorough system of military justice in our own Country that would prevent the need for any further review. The ICC won't take this power away, it cannot.

In closing, I want to insure that everyone in this chamber understands the message that we will send to the international community if we pass this amendment.

To quote, from Elie Wiesel, famous human rights advocate who opposed the bill that this amendment is based on

A vote for this legislation would signal US acceptance of impunity for the world's worst atrocities. For the memory of the victims of past genocide and war crimes, I urge you to use your positions . . . to see that this legislation is not passed.

Mr. Wiesel is right—let us think about the implications and the signal we will send—oppose this amendment.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GILMAN), chairman emeritus of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to rise in support of the American Servicemembers' Protection Act, the amendment offered by the gentleman from Texas (Mr. DELAY), our distinguished majority whip. The proposal of an international criminal court has some appeal to some members of our international community, but the international criminal court that is now being considered by the U.N. is the wrong sort of a court. It will be the equivalent of a world-ranging independent prosecutor without any responsible constraints. The world criminal court could threaten American servicemembers, government officials, and the servicemembers and officials of our allies, including Israel. The Arab League has already indicated it will make Israel the first target of this court.

The DeLay amendment would help slow down the process of the acceptance of this court and would keep American authorities from cooperating with it. We need to send a strong message that we do not accept this court as presently constituted. The passage of the DeLay amendment and its enactment into law would accomplish that task.

Accordingly, I urge our colleagues to support the DeLay amendment.

Mr. LANTOS. Mr. Chairman, I am delighted to yield 1½ minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman for yielding me this time.

Mr. Chairman, prior to coming to Congress I founded the Institute on the Holocaust and the Law, which studied how the laws and courts were used to oppress people rather than to protect them. So I fully understand the concerns of the supporters of this amendment that the International Criminal Court not be used to illegitimately prosecute U.S. forces abroad. The law should never be used to perpetuate injustice.

All of us demand that U.S. forces abroad not be subject to illegitimate prosecution. But the strongest safeguards already exist in the International Criminal Court against such possibilities. That is why this amendment should be defeated today. One of our Nation's proudest moments as the world emerged from the darkness of the Holocaust was to help create the International Military Tribunal at Nuremberg to use the law to achieve justice.

Last week, Mr. Chairman, Elie Wiesel said of a similar amendment, which the gentleman from California has already quoted, that it "would erase the legacy of U.S. leadership by ensuring that the U.S. will never again join the community of nations to hold accountable those who commit war crimes and genocide."

Protecting our military personnel is our utmost responsibility. Bringing war criminals to justice is our legacy. Participating fully in the International Criminal Court, Mr. Chairman, allows us to do both.

Mr. DELAY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. CANTOR).

(Mr. CANTOR asked and was given permission to revise and extend his remarks.)

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Mr. CANTOR. Mr. Chairman, I rise today in support of the American Servicemembers' Protection Act as an amendment to H.R. 1646. The International Criminal Court is the wrong solution to a real and pressing problem and would affect a revolution in international law. The ICC would transform the current international system based on equal independent self-governing states to a system where the ultimate power to judge the legality of state action is vested in a new and unaccountable bureaucracy. The ICC would be fundamentally inconsistent with the most basic principles of sovereignty.

Mr. Chairman, I would also like to emphasize the potential threat the ICC poses to many of our allies, specifically Israel, our only Democratic ally in the Middle East.

When the most recent violence broke out last fall, Israel's enemies sought to use the threat of U.N. prosecution to pressure the Jewish state. Under the broad and unclear jurisdiction of the ICC, any action undertaken by Israel in the West Bank and Gaza could be subject to review and interpreted as a war